

TRUE COPY CERTIFICATE

Form C of D-16-CE

STATE OF MICHIGAN, }  
City of Detroit } ss.

CITY CLERK'S OFFICE, DETROIT

I, *Janice M. Winfrey*

, City Clerk of the City of Detroit, in said

State, do hereby certify that the annexed paper is a TRUE COPY OF *Resolution*

adopted (passed) by the City Council at session of

*November 3,* 20 *21*

and approved by Mayor

*November 9,* 20 *21*

as appears from the Journal of said City Council in the office of the City Clerk of Detroit, aforesaid; that I have compared the same with the original, and the same is a correct transcript therefrom, and of the whole of such original.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of said City, at

Detroit, this *2nd*

day of *March* A.D. 20 *22*

*Janice M. Winfrey*  
CITY CLERK



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION

#83

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October 11th, 2021

Honorable City Council:

**RE: Petition No. 1554 – DPW: City Engineering Division request to vacate to utility easement that part of Griswold Street, bounded by State Street and Grand River Avenue, otherwise known as Capitol Park.**

Petition No. 1554 – DPW: City Engineering Division request to vacate to utility easement that part of Griswold Street, various widths, bounded by State Street, 60ft. wide, and Grand River Avenue, 60ft. wide, otherwise known as Capitol Park.

The petition was referred to the City Engineering Division – DPW for investigation (utility review) and report. This is our report.

The request is made to define the boundaries of the parcel known as Capitol Park.

The request was approved by the Solid Waste Division – DPW, and Traffic Engineering Division – DPW, and City Engineering - DPW.

Detroit Water and Sewerage Department (DWSD) has no objection to the vacation and conversion to utility easement provided certain provisions are met. The DWSD provisions are a part of the attached resolution.

All other involved City Departments, and privately owned utility companies have reported no objections to the vacation and conversion to utility easement of the alley. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

Richard Doherty, P.E., City Engineer  
City Engineering Division – DPW

/JK

Cc: Ron Brundidge, Director, DPW  
Mayor's Office – City Council Liaison

BY COUNCIL MEMBER \_\_\_\_\_

Benson

**RESOLVED**, that part of Griswold Street within the "Plat of Section 8 of the Governor's and Judges Plan" as recorded in Liber 34, Page 543 of Plats, Wayne County Records, and bounded by the north line of State Street, 60 ft. wide, and the south line of Grand River Avenue, 60 ft. wide, described further as: beginning from the northeast corner of lot 62 of the "Plat of Section 8 of the Governor's and Judges Plan" as recorded in Liber 34, Page 543 of Plats, Wayne County Records, thence South 01 degrees 17 minutes 34 seconds East 365.77 feet, to the north line of State Street, thence North 89 degrees 37 minutes 04 seconds East 169.95 feet, thence North 51 degrees 51 minutes 14 seconds East 18.69 feet, thence North 12 degrees 22 minutes 51 seconds East 19.38 feet, thence North 20 degrees 45 minutes 49 seconds West 69.07 feet, thence North 31 degrees 04 minutes 09 seconds West 239.76 feet, thence North 28 degrees 26 minutes 22 seconds West 46.66 feet, thence North 15 degrees 58 minutes 51 seconds West 17.71 feet, thence North 35 degrees 28 minutes 07 seconds West 11.54 feet to the south line of Grand River Avenue, thence South 89 degrees 06 minutes 53 seconds West 16.74 feet to the point of beginning.

Be and the same is hereby vacated as public right-of-way and converted into a private easement for public utilities of the full width of the right-of-way, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said right-of-way and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public right-of-way in the City of Detroit, with the right to ingress and egress at any time and over said easement for the purpose above set forth.

Second, said utility easement or right-of-way in and over said vacated alley herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned task, with the understanding that the utility companies, other than that specifically prohibited by this resolution, shall restore the easement surface to a satisfactory condition,

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fences or gates), shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Division – DPW,

Fourth, that if the owners of any lots abutting on said vacated alleys shall request the removal and/or relocation of any existing poles or other utilities in said easement; such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and

Sixth, that ownership of the part of Griswold Street being vacated under this resolution be allocated to the City of Detroit Parks and Recreation Department. The land shall be used for the public park space, known as Capitol Park. The Office of the Assessor's shall modify the parcel description to be consistent with the description provided under this resolution; and

PROVIDED, that property owners maintain for DTE Energy, full access to their facilities at all times (i.e. gated access with DTE locks at all ends of the easement) and that free and easy access to the DTE facilities is reserved for DTE equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of DTE facilities, and further

PROVIDED, that an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and be it further

PROVIDED, that free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for the Detroit Water and Sewerage Department equipment including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and be it further

PROVIDED, that the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

PROVIDED, that said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including porches, patios, balconies, etc., shall be built upon said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

PROVIDED, that if any time in the future, the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for the costs incidental to the repair of such broken or damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action and be it further

PROVIDED, that if it becomes necessary to remove the paved alley returns at the entrances such removal and construction of the new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division – DPW specification with all costs borne by the abutting owner(s), their heirs or assigns; and further

PROVIDED, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 1554



**GRAND RIVER AVE. 60 FT. WD.**

**WASHINGTON BLVD. 195 FT. WD.**



**STATE ST. 60 FT. WD.**



- VACATION TO UTILITY EASEMENT

(FOR OFFICE USE ONLY)

CARTO 28 B

<b>B</b>					
<b>A</b>					
DESCRIPTION	DRWN	CHKD	APPR	DATE	
REVISIONS					
DRAWN BY	SA	CHECKED	JD		
DATE	09-15-2021	APPROVED			

VACATION TO UTILITY EASEMENT  
 CAPITOL PARK  
 BETWEEN  
 STATE ST., GRAND RIVER AVE.  
 AND GRISWOLD ST.

CITY OF DETROIT  
 CITY ENGINEERING DIVISION  
 SURVEY BUREAU  
 JOB NO. 01-01  
 DRWG. NO. X 1554

#83

# ADOPTED AS FOLLOWS COUNCIL MEMBERS

		YEAS	NAYS
Janee	AYERS	✓	
Scott	BENSON	✓	
Raquel	CASTANEDA-LOPEZ	✓	
Roy	MCCALISTER, JR.	✓	
*Mary	SHEFFIELD	✓	
James	TATE	✓	
Brenda	PRESIDENT JONES	✓	
*PRESIDENT PRO TEM			
		7	0